Welcome to the online section of CJUS 5200, Legal Aspects of the Criminal Justice System! This class is a graduate level class in criminal procedure, i.e., the constitutional requirements to investigate, prosecute, and punish individuals for crime. This course is an elective in the graduate program.

To access the class materials, begin with the Start Here section in the Modules tab of the course navigation bar. Review the document describing the organization of course materials. I have also included a Welcome Video File that provides an overview of the course (a Zoom recording posted in the Start Here section of the Modules tab). I look forward to having you in this class.

Instructor Contact Information

Professor Peggy Tobolowsky
Office: Chilton Hall, Room 265
Office phone: 940-369-6612
Email address: peggy.tobolowsky@unt.edu
Office hours: T/Th: 2:00 – 3:30 p.m. and by appointment

About the Professor

I am Professor Peggy Tobolowsky. My background is in law. Prior to coming to UNT, I was a federal prosecutor in Washington, D.C., and a litigator at a large law firm in Dallas. At UNT, I have taught this course and others in the law and policy areas numerous times. I look forward to having you in this class.

Course Description

As indicated above, this course concerns criminal procedure. This is the area of law that describes the constitutional requirements to investigate, prosecute, and punish individuals for crime. This course does not have any prerequisites in the graduate program.

This course will focus on federal constitutional criminal procedure as provided by the United States Constitution and interpreted by the United States Supreme Court (the “Court”)—rather than criminal procedure as further defined by federal and state statutes and case law. Federal
constitutional criminal procedure generally provides the \textit{minimum} criminal procedural requirements at both the federal and state levels. This is a subject that is important for all students who plan careers in Criminal Justice to understand.

The course materials will first address general concepts of criminal procedure. Next, we will cover the constitutional requirements regarding investigatory phase searches and seizures that are primarily governed by the Fourth Amendment of the Constitution. We will also address constitutional requirements governing the taking of statements from suspects and conducting identification procedures involving suspects, primarily provided in the Fifth, Sixth, and Fourteenth Amendments. We will next discuss the constitutional requirements regarding the prosecution or adjudicatory phase of the proceedings, again primarily provided in the Fifth, Sixth, and Fourteenth Amendments. Finally, we will cover the constitutional requirements regarding the sentencing and punishment phase of the prosecution, primarily provided in the Fifth, Eighth, and Fourteenth Amendments.

The course material will cover most, but not all of the chapters in the text. Each text chapter contains explanatory materials and brief excerpts from relevant Court decisions; review questions that present hypothetical scenarios regarding the text material; and longer case excerpts from selected Court decisions. The order in which we will cover the text materials will differ somewhat from the order presented in the text. Online materials that accompany each assigned chapter will highlight and supplement the assigned text readings.

To permit students to self-pace this learning experience to some degree, all units will open and be available for view at the beginning of the semester. However, chapter assignment due dates are generally scheduled on a weekly basis. Thus, students can choose to work ahead of the prescribed paced schedule and can submit assignments prior to the weekly due dates, but all students must comply with the scheduled due dates and \textit{no late work will be accepted} after the prescribed due date. In addition, even if work is submitted prior to the scheduled due dates, all class assignments will be graded together based on the scheduled due dates.

Most units will have two accompanying assignments regarding: 1) summaries of the reasoning provided by the Court Justices for some of the longer case excerpts that accompany the chapters or other decisions that are provided to you in the accompanying chapter materials and 2) application of the text materials to selected review question scenarios. There will also be weekly discussion assignments regarding the assigned materials. All of these assignments are designed to demonstrate your knowledge and understanding of the class materials and provide a vehicle to extend, apply, and assess such knowledge and understanding. These assignments are described in more detail later in the syllabus.
Chapter Materials

As described in the Organization of Course Materials, located in the Start Here section of the Modules tab, the chapter materials that highlight and supplement the text are provided both in module format that breaks up the material into smaller segments and PDF format that provides the chapter materials in one continuous document. You can choose whichever format you prefer—they both contain the same information.

Online Class Considerations

This class is completely online. Online classes require your personal discipline and motivation to keep up with the pace of the class materials. As stated previously, all chapter materials and assignments will be open and available for view at the beginning of the semester. However, the assignment due dates are generally scheduled on a weekly basis. These due dates are scheduled on Sundays by no later than 10:00 p.m. Late assignments will not be accepted.

Individual technical or technological difficulties in completing an assignment in a timely manner (e.g., computer crashes or viruses or interrupted internet connections) do not constitute a basis to request the submission of a late assignment. To avoid such issues, I encourage you not to wait until the final available hours or minutes to complete assigned work. The university also recommends that you submit assigned work through a supported web browser on a computer or laptop rather than an iPad or other electronic device and that you have reliable internet connections.

Because the class is online, you will, of course, need to use a personal computer that is compatible with the UNT Canvas system or use one of the computers available in the campus computer labs. This is important for submitting your assignments in a timely manner and to avoid any computer “glitches” that may impact your work.

Because most of the communication in this course will occur online, you will need to make sure that you keep up with the class communications. I will use the Announcement page to communicate with the class as a whole. You should check this page frequently. These announcements will also be sent to your UNT email address or the alternative email address that you have indicated in Canvas. Make sure to check this email address frequently throughout the semester.

Finally, online classes also require some basic technological skills to access course materials and complete assignments. UNT has a variety of resources to assist you with the technological aspects of navigating this and other online classes. One of the most important of these resources is the help desk. To find ways to access help desk assistance remotely, go to techsupport.unt.edu/students. In-person assistance is also available at Sage Hall, Room 330. Personnel at the help desk can assist you with issues concerning access to Canvas and other technological issues. Online student
resources are also available in the Help tab (represented by a ? symbol) on the far left side of the screen of the course Canvas site.

**Course Objectives**

Upon successful completion of this course, students will be able to:

- Demonstrate an understanding of the federal constitutional requirements for and limitations on criminal procedure.
- Analyze Court decisions that apply criminal procedure to individual cases.
- Apply principles of criminal procedure to factual patterns in a manner that reflects understanding of the principles.
- Enhance their understanding of criminal procedure by assessing specific Court decisions or areas of criminal procedure and engaging in thoughtful discussion and debate with fellow students about their conclusions concerning these topics.

**Required Text**


This text is required for all students enrolled in the class and is the only required text for the course. Reading assignments are noted in the Course Calendar in this syllabus. The chapter assignments include all of the accompanying Court decisions *unless* specifically noted otherwise in the Course Calendar.

**Course Requirements**

There are three primary categories of assignments in this class through which students can demonstrate their knowledge and understanding of criminal procedure; can extend, apply, and assess such knowledge and understanding; and can earn a total of 2,350 points:

- **13 assignments** regarding the preparation of summaries of the rationale for specified Court decisions concerning criminal procedure (680 total points);

- **14 assignments** regarding the application of criminal procedure principles and chapter materials to factual scenarios (1,260 total points); and
14 discussion assignments concerning Court decisions and areas of criminal procedure (410 total points).

It is recommended that you complete the assignment requiring you to prepare summaries of the Court’s rationale/reasoning regarding the selected cases for each unit before preparing the unit’s factual scenario and discussion assignments. These assignments are described in more detail below.

**Grading Scale**

2,104 – 2,350 points = A  
1,869 – 2,103 points = B  
1,634 – 1,868 points = C  
1,399 – 1,633 points = D  
Below 1,399 points = F  

**Assignments: Court Rationale Summaries (680 total points)**

Every unit, except one, will have an accompanying assignment that requires students to demonstrate their understanding of the criminal procedure principles established in assigned Court decisions by preparing a summary of the rationale (i.e., the reasons) the Court provided for establishing the related criminal procedure principle. There will be a total of 13 of these assignments regarding 34 Court majority and/or concurring or dissenting opinions. Students can earn up to 20 points for each summary, for a total of 680 points.

In each summary, students should identify at least 5 reasons the Justices provided for the criminal procedure principle established (e.g., the adoption of the totality of the circumstances standard concerning probable cause assessments). Students should not simply repeat the Court’s words, but should summarize at least 5 of the reasons the Justices provided for reaching their results (e.g., your summary describing the Justices’ reliance on a prior Court ruling and why; application of a constitutional principle in a new context and why; and assessment of policy implications of the ruling). Assessment of student performance regarding these summaries will be based on the degree to which the student identifies and presents key aspects of the Justices’ rationales for their decisions. To assist in the assessment of these summaries, students are encouraged to number each of the reasons for the principle that they are presenting (i.e., 1-5 or more). Each summary should be at least 300 words.

Each of the assigned Court decisions establishes a “landmark” principle of criminal procedure. These cases are most important for these constitutional principles—applicable to all—rather than for the specific factual results reached in an individual case. In your summaries, you should
primarily focus on the criminal procedure principle the Court established in each case and should not simply recite the facts of the underlying case or address the results regarding the specific proceeding in the case. For example, in a case involving the Court’s modification of the scope of the warrantless search incident to a lawful arrest, the summary should focus on the Court’s reasons for modifying the scope of this warrant exception as a principle of criminal procedure applicable to all rather than the Court’s ruling regarding the constitutionality of the individual search in the specific case. In addition, students should not address the lower court proceedings in their summaries.

Each assignment is due no later than the end of the time allotted for the related unit, as reflected in the Course Schedule. All of the assignments will be posted with the Chapter Materials in the Modules tab at the beginning of the semester. They will also appear in the Assignments tab on the course page at the beginning of the semester. Student assignments should be submitted in this Assignments section in Canvas.

Students who do not submit an assignment within the scheduled time period will receive a zero for the assignment. Late assignments will not be accepted.

**Assignments: Factual Scenario Application (1,260 total points)**

Each unit will have an accompanying assignment that requires students to demonstrate their understanding of the unit materials by applying them to factual scenarios. There will be a total of 14 of these assignments addressing 42 factual scenarios. Students can earn up to 30 points for each scenario, for a total of 1,260 points for these assignments.

Assessment of student performance regarding these assignments will be based on the completeness of students’ answers to the questions posed in the scenarios (including the identification of relevant issues in the scenarios and formation of conclusions regarding the issues) and their explanation of the reasons for reaching their conclusions based on the chapter materials (including any relevant Court decisions). Students should not simply repeat the facts of the scenarios. Student responses for each scenario should be at least 300 words.

Each assignment is due no later than the end of the time allotted for the related unit, as reflected in the Course Schedule. All of the assignments will be available with the Chapter Materials in the Modules tab at the beginning of the semester. They will also appear in the Assignments tab on the course page at the beginning of the semester. Student assignments should be submitted in this Assignments section in Canvas.

Students who do not submit an assignment within the scheduled time period will receive a zero for the assignment. Late assignments will not be accepted.
**Discussion Assignments (410 total points)**

In addition to an introductory discussion during Week 1, the remaining units will have an accompanying discussion assignment through which students can enhance their understanding of criminal procedure by assessing specific Court decisions or areas of criminal procedure and engaging in thoughtful discussion and debate with fellow students about their conclusions concerning these topics. These discussion assignments will consist of a student post and a response to another student’s post. In addition to the introductory discussion post in which students can earn up to 20 points, there will be 13 discussion assignments in which students can earn up to 20 points for their discussion post and up to 10 points for their response to another student’s post, for a total of 30 points for each discussion assignment. In total, students can earn up to 410 points for these discussion assignments.

Students should incorporate relevant chapter materials (including any relevant Court decisions) in their discussion posts and responses and base their posts and responses on such materials. Assessments of student performance on these discussion assignments will be based on the degree to which students present the bases for their assessments of the relevant Court decisions or criminal procedure principles and support them using chapter materials. Except for the introductory post of at least 250 words, *each* discussion post should be at least 300 words and *each* response to another student’s post should be at least 150 words.

Each discussion post and response is due no later than the end of the time allotted for the unit, as reflected in the Course Schedule. These discussion assignments will be included with the related *Chapter Materials* in the *Modules* tab and will be available at the beginning of the semester. They will also appear in the *Discussions* tab on the course page at the beginning of the semester. Your posts and responses should be submitted in this *Discussions* section in Canvas.

Students who do not submit a discussion post or response within the scheduled time period will receive a zero for the unsubmitted discussion post and/or response. Late discussion posts and responses will not be accepted.

**General Class Policies**

**Communication:** If you wish to send me an email, you can use the communication function in Canvas or send me an email via my unt.edu email address: peggy.tobolowsky@unt.edu. If you email me directly, you should *use your UNT email account*. My phone number is 940-369-6612. If you leave a voicemail, please clearly identify yourself and leave a return phone number where I can reach you. I will return emails and voicemails *within 48 hours*. If you do not receive a response from me during that period, assume that I did not receive your communication and contact me
again. You are, of course, also welcome to communicate with me in person in Chilton Hall 265 during office hours (Tuesdays and Thursdays from 2:00 to 3:30 p.m.) or by appointment.

If you are having technical or technological issues regarding the course, your first communication should be with the help desk via techsupport.unt.edu/students, helpdesk@unt.edu, or 940-565-2324 (or in person at Sage Hall, Room 330). The technicians there have the expertise to help you resolve your issues. Obtain a “ticket number” reflecting your attempt to resolve your issue with the help desk staff member. Please also let me know about these issues and provide the “ticket number” reflecting your conversation with the help desk.

**Release of Chapter Materials**: The *Chapter Materials* for each unit and related modules will be released in the *Modules* tab on Canvas at the beginning of the semester. Once released, they will remain available for reference on Canvas.

**Late Policy**: Late assignments will not be accepted.

Individual technical or technological difficulties in completing an assignment in a timely manner (e.g., computer crashes or viruses or interrupted internet connections) do not constitute a basis to request the submission of a late assignment. To avoid such issues, I encourage you not to wait until the final available hours or minutes to complete assigned work. The university also recommends that you submit assigned work through a supported web browser on a computer or laptop rather than an iPad or other electronic device and that you have reliable internet connections.

**Online Etiquette**: This online format provides the opportunity to thoughtfully discuss issues and exchange ideas. Your communication with me and your fellow students in this online format should be appropriate to the course and respectful of the opinions of others. Engaging in disruptive or disrespectful behavior in this online forum may result in your dismissal from this class, as provided in university policy.

**Posting of Grades and Comments**: Grades for assignments will be posted in the Canvas grade book no later than 10 days after the final due date for each assessment. Thus, if the final due date for an assignment is February 2 at 10:00 p.m., the grade for the assignment will be posted in the grade book no later than 10:00 p.m. on February 12. If a student earns less than full credit for an assignment, I will also provide individual comments regarding the area(s) of deficiency. Students can access their grades and comments via the *Grades* tab on the course page.
**Academic Dishonesty:** The university rules concerning academic dishonesty will be strictly enforced. According to UNT Policy 06.003, Student Academic Integrity, academic dishonesty occurs when students engage in behaviors including, but not limited to cheating, fabrication, facilitating academic dishonesty, forgery, plagiarism, and sabotage. A finding of academic dishonesty may result in a range of academic penalties or sanctions ranging from admonition to expulsion from the University. *Your assignment submissions should be your own individual and independent work. These are not group projects.*

**SPOT (Student Perceptions of Teaching):** Students will have the opportunity to complete the SPOT survey at the end of the semester and anonymously share their thoughts about the course with me. I value the feedback that I receive from the SPOT survey and strongly encourage you to participate by completing the survey in this class and all of your classes.

**Intellectual Property Statement:** The material posted online for this course is my personal intellectual property or that of the university. You may not use this material for anything other than class purposes.

**COVID Policies:** UNT’s COVID-related policies and recommended practices can be found at healthalerts.unt.edu.

**ADA Statement:** The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking reasonable accommodation must first register with the Office of Disability Access (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with a reasonable accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request reasonable accommodations at any time, however, ODA notices of reasonable accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of reasonable accommodation for every semester and must meet with each faculty member prior to implementation in each class. Students are strongly encouraged to deliver letters of reasonable accommodation during faculty office hours or by appointment. Faculty members have the authority to ask students to discuss such letters during their designated office hours to protect the privacy of the student. For additional information, refer to the Office of Disability Access website at https://studentaffairs.unt.edu/office-disability-access. You may also contact ODA by phone at 940-565-4323.
**Emergency Notification/Procedures:** UNT uses a system called Eagle Alert to quickly notify you with critical information in the event of an emergency (i.e., severe weather, campus closing, and health and public safety emergencies like chemical spills, fires, or violence). The system sends voice messages (and text messages upon permission) to the phones of all active faculty staff, and students. Please make certain to update your phone numbers at my.unt.edu. Some helpful emergency preparedness actions include: 1) know the evacuation routes and severe weather shelter areas in the buildings where your classes are held, 2) determine how you will contact family and friends if phones are temporarily unavailable, and 3) identify where you will go if you need to evacuate the Denton area suddenly. In the event of a university closure, please refer to Canvas for contingency plans for covering course materials.

**Important Notice for F-1 Students Taking Distance Education Courses:** see Appendix 1.
Course Calendar

All chapter materials will be released on Canvas at the beginning of the semester. However, assignment due dates are scheduled on a weekly basis, unless otherwise noted, and assignments are due no later than 10:00 p.m. of the Sunday night reflected in the Course Calendar.

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<th>Date</th>
<th>Readings, Assignments, Discussion Boards</th>
<th>Due Dates</th>
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<tr>
<td>Week 1</td>
<td>Chs. 1-5 Foundational Principles of Criminal Procedure; Introductory Fourth Amendment Principles</td>
<td>Week 1 Assignment 1 and Discussion 1 due by Sunday, January 23 at 10:00 p.m.</td>
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<td>January 18 - 23</td>
<td>Week 1 Assignment 1 and Week 1 Discussion 1</td>
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<tr>
<td>Weeks 1-2</td>
<td>Chs. 6-8 Fourth Amendment Searches and Weekly Assignments 1 and 2</td>
<td>Weeks 1-2 Assignments 1 and 2 and Discussion 1 due by Sunday, January 30 at 10:00 p.m.</td>
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<td>January 18 - 30</td>
<td>Weeks 1-2 Assignments 1 and 2 and Week 1-2 Discussion 1</td>
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<td>Week 3</td>
<td>Chs. 9-10 Fourth Amendment Seizures and Probable Cause (not Scott v. Harris, pp. 214-22)</td>
<td>Week 3 Assignments 1 and 2 and Discussion 1 due by Sunday, February 6 at 10:00 p.m.</td>
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<td>January 31 - February 6</td>
<td>Week 3 Assignments 1 and 2 and Week 3 Discussion 1</td>
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<td>Week 4</td>
<td>Chs. 11-13 Warrants, Warrantless Searches and Seizures, and Warrantless Searches Incident to Lawful Custodial Arrest (not Lo-Ji Sales v. New York, Minnesota v. Olson, pp. 296-307)</td>
<td>Week 4 Assignments 1 and 2 and Discussion 1 due by Sunday, February 13 at 10:00 p.m.</td>
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<td>February 7 - 13</td>
<td>Week 4 Assignments 1 and 2 and Week 4 Discussion 1</td>
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<td>Week 5</td>
<td>February 14 - 20</td>
<td>Chs. 14-16 Plain View, Vehicle, and Consent Exceptions to the Warrant Requirement (<em>not California v. Carney</em>, pp. 423-31)</td>
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<td>Week 5 Discussion 1</td>
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<td>Week 6</td>
<td>February 21 – 27</td>
<td>Chs. 17-19 Exigent Circumstances, Special Needs Beyond the Normal Need for Law Enforcement, and Investigatory Stops and Frisks and Traffic Stops (<em>not Illinois v. Wardlaw</em>, pp. 613-19)</td>
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<td>Week 6 Discussion 1</td>
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<td>Week 7</td>
<td>February 28 - March 6</td>
<td>Chs. 22-23 Standing and the Exclusionary Rule (<em>not Rawlings v. Kentucky, Minnesota v. Carter</em>, pp. 687-99)</td>
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<td>Week 7 Discussion 1</td>
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<td>Weeks 8-9</td>
<td>March 7 – 27 (dates include Spring Break)</td>
<td>Chs. 24-26, 32 Statements (<em>not Chavez v. Martinez, New York v. Quarles, Massiah v. United States</em>, pp. 794-805, 877-87, 1,106-9)</td>
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<td>Weeks 8-9 Discussion 1</td>
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<td>Week 10</td>
<td>March 28 – April 3</td>
<td>Ch. 27 Identifications (<em>not United States v. Wade</em>, pp. 912-27)</td>
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| Week 11 | April 4 - 10 | Week 10 Assignments 1 and 2  
Week 10 Discussion 1 | Week 11 Assignments 1 and 2 and Discussion 1 due by Sunday, April 10 at 10:00 p.m. |
|---------|--------------|-----------------------------------------------------------------|------------------------------------------------------------------|
| Week 11 | April 4 - 10 | Chs. 28-29, 34-35  
Prosecutor Screening, Initial Appearance in Court, Preliminary Hearing, and Grand Jury | Week 11 Assignments 1 and 2 and Discussion 1 due by Sunday, April 10 at 10:00 p.m. |
| Week 12 | April 11 - 17 | Chs. 30-31  
Right to Counsel  
(not *Strickland v. Washington*, pp. 1,055-79)  
Week 12 Assignments 1 and 2  
Week 12 Discussion 1 | Week 12 Assignments 1 and 2 and Discussion 1 due by Sunday, April 17 at 10:00 p.m. |
| Week 13 | April 18 - 24 | Chs. 33, 41-42  
Bail, Speedy Trial, and Pleas  
Week 13 Assignments 1 and 2  
Week 13 Discussion 1 | Week 13 Assignments 1 and 2 and Discussion 1 due by Sunday, April 24 at 10:00 p.m. |
| Week 14 | April 25 – May 1 | Chs. 43-44  
The Trial Process  
(not *Presley v. Georgia*, pp. 1,526-30)  
Week 14 Assignments 1 and 2  
Week 14 Discussion 1 | Week 14 Assignments 1 and 2 and Discussion 1 due by Sunday, May 1 at 10:00 p.m. |
| Week 15 | May 2 - 8 | Ch. 45  
Sentencing and Punishment  
(not *United States v. Booker*, pp. 1,566-80)  
Week 15 Assignments 1 and 2  
Week 15 Discussion 1 | Week 15 Assignments 1 and 2 and Discussion 1 due by Sunday, May 8 at 10:00 p.m. |
Appendix 1

Important Notice for F-1 Students taking Distance Education Courses:
Federal Regulation

To read detailed Immigration and Customs Enforcement regulations for F-1 students taking online courses, please go to the Electronic Code of Federal Regulations website at https://www.ice.gov/sevis/schools/reg#f6iv. The specific portion concerning distance education courses is located at Title 8 CFR 214.2 Paragraph (f)(6)(i)(G).

The paragraph reads:

(G) For F-1 students enrolled in classes for credit or classroom hours, no more than the equivalent of one class or three credits per session, term, semester, trimester, or quarter may be counted toward the full course of study requirement if the class is taken on-line or through distance education and does not require the student's physical attendance for classes, examination or other purposes integral to completion of the class. An on-line or distance education course is a course that is offered principally through the use of television, audio, or computer transmission including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, or computer conferencing. If the F-1 student's course of study is in a language study program, no on-line or distance education classes may be considered to count toward a student's full course of study requirement.

University of North Texas Compliance

To comply with immigration regulations, an F-1 visa holder within the United States may need to engage in an on-campus experiential component for this course. This component (which must be approved in advance by the instructor) can include activities such as taking an on-campus exam, participating in an on-campus lecture or lab activity, or other on-campus experience integral to the completion of this course.

If such an on-campus activity is required, it is the student’s responsibility to do the following:

(1) Submit a written request to the instructor for an on-campus experiential component within one week of the start of the course.

(2) Ensure that the activity on campus takes place and the instructor documents it in writing with a notice sent to the International Student and Scholar Services Office. ISSS has a form available that you may use for this purpose.

Because the decision may have serious immigration consequences, if an F-1 student is unsure about his or her need to participate in an on-campus experiential component for this course, s/he
should contact the UNT International Student and Scholar Services Office (telephone 940-565-2195 or email internationaladvising@unt.edu) to get clarification before the one-week deadline.